

IC 8-2.1-22

Chapter 22. Transportation of Passengers and Household Goods

IC 8-2.1-22-1

Application

Sec. 1. Except as provided in section 2.1 of this chapter, this chapter applies to the regulation of the following persons:

- (1) A common carrier that professes to the general public to engage in the transportation by motor vehicle of passengers for compensation.
- (2) A contract carrier that engages in transportation by motor vehicle of passengers, for compensation (other than transportation provided by a common carrier described in subdivision (1)) under continuing contracts with one (1) person or a limited number of persons for:
 - (A) the furnishing of transportation services through the dedication of motor vehicles for a continuing period of time to the exclusive use of each person served; or
 - (B) the furnishing of transportation services designed to meet the distinct need of each individual customer.
- (3) A broker of transportation services provided by a motor carrier described in subdivision (1) or (2).
- (4) A common carrier that professes to the general public to engage in the transportation of household goods.
- (5) A contract carrier that engages in transportation of household goods for compensation under continuing contracts with at least one (1) person for:
 - (A) the furnishing of transportation services through the dedication of motor vehicles for a continuing period for the exclusive use of each person served; or
 - (B) the furnishing of transportation services designed to meet the needs of each customer.

As added by P.L. 99-1989, SEC. 13. Amended by P.L. 1-1991, SEC. 76; P.L. 110-1995, SEC. 10.

IC 8-2.1-22-2 Repealed

(Repealed by P.L. 1-1991, SEC. 77.)

IC 8-2.1-22-2.1

Exemptions

Sec. 2.1. (a) This chapter does not apply to the following:

- (1) Motor vehicles used as school buses while engaged in the transportation of students, under the supervision, control, and direction of school authorities.
- (2) Motor vehicles used exclusively as taxicabs.
- (3) Motor vehicles while being used or operated under the control, direction, and supervision of:
 - (A) the United States government, the state, or a political subdivision; or
 - (B) the board of trustees of any state institution.

- (4) Motor vehicles that are used to provide limited transportation services in conjunction with the operation of a hotel, campground, or food service facility but are not used as a common carrier. For the purpose of this subdivision, compensation for housing, camping, or food combined with transportation is not transportation by motor vehicle for compensation. However, transportation may not be performed for any person if, at the point of origin or within twenty-five (25) miles of that point, there is an equipment point as shown by a proper tariff of a carrier of passengers in Indiana that operates special or charter bus service under the jurisdiction of the department. Exemption from this chapter is not available under this subdivision unless the motor vehicles in question are provided with proof of financial responsibility of the type and in amounts as required of common carriers under IC 8-2.1-22-46.
- (5) Motor vehicles that are used to provide regular route intercity passenger service.
- (6) Motor vehicles that are used primarily for van pooling or other ride-sharing programs on a nonprofit basis.
- (7) Motor vehicles that are used to provide transportation of passengers by a nonprofit corporation if that corporation receives revenue for the transportation service from federal, state, or local governments.
- (8) A motor vehicle that:
- (A) has a capacity of not less than seven (7) or more than forty (40) persons;
 - (B) is used to transport employees, including the driver, exclusively between their homes and their employer's place of business, or termini near those places, in a single daily round trip; and
 - (C) is owned or leased by an employer providing commuter van service, which means any person who provides or operates at least one (1) of those vehicles on a nonprofit basis, and whose service does not infringe upon or compete with any service that is provided by any common carrier regulated by the department.
- (9) Motor vehicles certified as ambulances by the Indiana emergency medical services commission under IC 16-31.
- (10) The casual, occasional, or reciprocal transportation of household effects or furniture for compensation, not including the transportation for hire of new household effects or furniture to or from a factory, warehouse, or store, by a person who:
- (A) does not otherwise engage in the described transportation for compensation;
 - (B) is not required under this chapter to hold a certificate or permit to engage in transportation or operation for hire; or
 - (C) does not profess to engage in the business of transporting household effects or furniture for hire.
- (b) This chapter does not apply to a limousine while the limousine

is being used to transport at least one (1) person:

- (1) from a place of departure; and
- (2) to a destination;

within the corporate boundaries of a city or town if the legislative body of the city or town has adopted an ordinance under IC 36-9-2-4 that takes effect after July 1, 1991, and that regulates limousines within the corporate boundaries of the city or town.

As added by P.L.1-1991, SEC.78. Amended by P.L.2-1993, SEC.63; P.L.2-1995, SEC.40; P.L.110-1995, SEC.11.

IC 8-2.1-22-3

Powers and duties of department

Sec. 3. (a) The department shall:

- (1) supervise and regulate the administration of this chapter;
- (2) fix just and reasonable rates, fares, and charges;
- (3) adopt just and reasonable classifications and rules; and
- (4) regulate and supervise the schedules, service, safety, methods, and hours of operation;

of every motor carrier subject to this chapter.

(b) The department may require the filing of annual and other reports and the submission of all records and information as is reasonably necessary.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-4

Inspection of books, equipment, and premises; examination of officers, agents, or employees; rules for vehicle inspection; complaints

Sec. 4. (a) The department, any member of the department or any authorized representative of the department, may:

- (1) upon demand, inspect the books, accounts, papers, records, memoranda, equipment, and premises of any common carrier or contract carrier;
- (2) examine, under oath, any officer, agent, or employee of the common carrier or contract carrier in relation to its business affairs; and
- (3) adopt rules for inspection of motor vehicles used by common carriers or contract carriers or brokers.

(b) Upon complaint in writing filed with the department or upon the department's own initiative without complaint, the department may investigate whether or not any person subject to this chapter has failed to comply with this chapter or with any requirement established under this chapter. If the department, after notice and hearing, finds, upon the investigation, that the person has failed to comply with any provision or requirement, the department shall issue an appropriate order to compel compliance.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-5

Witnesses; hearings; orders

Sec. 5. (a) The department, any member of the department or any authorized representative of the department, may compel the attendance of witnesses, swear witnesses, take their testimony under oath, make record of the testimony, and after the record is made under the direction of a department, administrative law judge, or authorized representative of the department or the department may upon the record make an appropriate order.

(b) The department may hear all petitions, applications, or motions filed with the department. Hearings may be conducted by the department, by any member of the department, or by any administrative law judge authorized by the department. In case the hearing is conducted by an administrative law judge, the administrative law judge must promptly, but not later than thirty (30) days after the conclusion of the hearing, unless the time is extended by order of the department:

(1) report to the department the facts established by the evidence; and

(2) submit a suggested order, showing the findings and a decision in the order, to the department.

(c) Orders recommended by an administrative law judge must be held for not less than ten (10) days during which time interested parties may file written exceptions to the orders. In case no exceptions are filed, the finding of facts and decision in form of order suggested by the administrative law judge constitute the order of the department, unless the department directs otherwise.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-6

Reconsideration or rehearing

Sec. 6. After a decision, order, or requirement has been made by the department in any proceeding under this chapter, any party to the proceeding may apply to the department for reconsideration or rehearing of the decision, order, or requirement, or of any matter determined in the decision, order, or requirement. The department may grant reconsideration or rehearing if there is sufficient reason in the decision, order, or requirement. Applications for reconsideration or rehearing are governed by rules prescribed by the department. If after reconsideration or rehearing, it appears that the original decision, order, or requirement is in any respect unjust and unwarranted, the department may change or modify the decision, order, or requirement accordingly. Any decision, order, or requirement made after reconsideration or rehearing is subject to the same provisions as the original decision, order, or requirement.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-7

Agreements with agencies of federal government or of another state; adoption of rules or orders of other agencies

Sec. 7. (a) The department may, upon recommendation of the attorney general, subject to the approval of the governor, enter into

an agreement or understanding with the Interstate Commerce Commission, any other appropriate agency of federal government, or with any other department or agency of another state, for the purpose of more effective economic regulation of motor carriers.

(b) In the furtherance of uniformity in the regulation of motor carriers, the department may by order or rule adopt orders, standards, or rules and regulations of the Interstate Commerce Commission, any other appropriate agency of the federal government, or another state or states as they affect motor carriers, whether or not specifically referred to under this chapter.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-8

Cooperation with other state agencies

Sec. 8. The department may cooperate with other state agencies in adopting combined uniform procedures and forms when in the judgment of the affected agencies the action would be in the interest of the state, its citizens, and any other person subject to this chapter and to other related laws of state.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-9

Additional powers of department; employment and compensation of staff

Sec. 9. The department may do and perform all reasonably necessary things to carry out the purposes of this chapter, whether specifically mentioned in this chapter or not, including the power, subject to the approval of the governor, to employ and fix the compensation of administrative law judges, investigators, clerks, and other employees as are necessary for the effective administration of this chapter.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-10

Establishment of competing transportation system by county, city, or town

Sec. 10. If a county, city, or town wants to establish a transportation system that would compete with a motor carrier that is:

- (1) operating under the jurisdiction of the department; and
- (2) providing transportation service in the territorial jurisdiction of the county, city, or town;

the county, city, or town must first apply for and obtain a certificate under sections 11 and 13 of this chapter.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-11

Certificate required; public hearing

Sec. 11. A person may not, except as provided in this chapter, transport passengers for compensation:

(1) on regular routes within the territorial jurisdiction of a political subdivision; or

(2) as a special and charter carrier;

until after obtaining from the department a certificate. A certificate may not be issued until after a public hearing and a consideration of the service, if any, rendered in the territory of the proposed motor vehicle operations by other common carriers, whether by motor vehicle, railroad, or otherwise.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-12

Repealed

(Repealed by P.L.110-1995, SEC.35.)

IC 8-2.1-22-12.5

Issuance of certificate for transportation of household goods for compensation

Sec. 12.5. (a) Except as provided in this chapter, a person may not operate a motor vehicle upon an Indiana public highway to transport household goods for compensation until the person has obtained a certificate from the department.

(b) The department may issue a certificate under this section only after conducting a public hearing and considering transportation services provided by other carriers of household goods by motor vehicle, railroad, or other means, that operate in the proposed territory of the person that is applying for a certificate.

As added by P.L.110-1995, SEC.12.

IC 8-2.1-22-13

Public hearing; time and place; notice; burden of proof; considerations

Sec. 13. (a) Upon the filing of an application for a certificate, the department shall, within a reasonable time, fix a time and place for public hearing in the city of Indianapolis, unless otherwise ordered by the department. A copy of the notice of hearing shall be mailed to the applicant at the address set out in the application at least ten (10) days before the hearing. Any person interested in the proceedings may appear in person or by attorney and offer evidence in support of or in opposition to the application and with or without the filing of formal pleadings.

(b) The applicant has, at all times, the burden of proving, by a preponderance of the evidence, that public convenience and necessity requires the proposed operation, and that the proposed operation will not unreasonably impair the public service of any authorized common carrier, or common carriers by motor vehicle or by railroad, then adequately serving the same territory.

(c) If the department finds from the evidence and from any additional investigation that the department causes to be made that public convenience and necessity exist for the service proposed, or any part of the service, the application shall be granted, subject to

terms, restrictions, and limitations as the department may determine, otherwise, the application shall be denied.

(d) In determining whether a certificate shall be granted, the department may, among other things, consider the following:

- (1) The financial ability of the applicant to furnish adequate service.
- (2) Whether other transportation service then in existence is adequate.
- (3) The effect upon other transportation service, and, particularly, whether the granting of the application will or may seriously impair that service.
- (4) The volume of other traffic over the route proposed by the applicant.
- (5) The effect and burden upon the highways and the bridges on the highways, and the use of the highways and bridges by the public.
- (6) Whether the operations will threaten the safety of the public or be detrimental to the public welfare.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-14

Route deviation

Sec. 14. (a) A common carrier by motor vehicle operating under any certificate may not deviate from the route over which or the fixed termini between which it is authorized to operate under the certificate, except under such general or special rules as prescribed by the department.

(b) A person who violates this section commits a Class C infraction.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-15

Ownership of certificate or permit; sale or transfer

Sec. 15. Any certificate or permit or part owned, held, or obtained by the carrier may be sold, assigned, leased, bequeathed, or transferred as other property upon approval by the department. The department may inquire into the responsibility of the person obtaining or seeking to obtain ownership or control of any certificate or permit or part, the person's readiness, ability, and willingness to perform the service proposed, and whether the proposed service, to the extent authorized by the certificate or permit, is or will be consistent with the public interest and the state transportation policy declared in this title. If the department finds the person to be irresponsible or unable to render satisfactory and adequate service under the certificate or permit or part, or if it finds that the transfer will not be consistent with the public interest, the department may enter an order denying the transfer, in whole or in part. However, a certificate or permit, or part, may not be sold, assigned, leased, bequeathed, or transferred except after a public hearing before the department and after notice as required for other hearings before the

department.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-16

Contract carriers; permit required

Sec. 16. A person may not operate motor vehicles as a contract carrier over the public highways for the transportation of persons or household goods for compensation without first having obtained from the department a contract carrier permit.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.13.

IC 8-2.1-22-17

Contract carrier permit; public hearing; considerations; contents

Sec. 17. (a) Upon the filing of an application under this chapter for contract carrier authority to operate motor vehicles in intrastate commerce, the department shall, within a reasonable time, fix a time and place for a public hearing in the city of Indianapolis, unless otherwise ordered by the department. A copy of the notice of hearing shall be mailed to the applicant, at the address set out in the application, at least ten (10) days before the date set for hearing. Any person interested in the proceedings may appear in person, or by counsel, and offer any evidence either in support of, or in opposition to, the granting of the authority requested in the application.

(b) In determining whether requested contract authority should be granted, the department shall, among other things, consider the following factors:

(1) The financial ability of the applicant to furnish adequate contract carrier service.

(2) The effect of granting the requested authority on other transportation service then in existence, and particularly whether the granting of authority will seriously impair that other service and will unreasonably impair the efficient public service of any certificated common carrier by motor vehicle, or by railroad, then adequately serving the same territory.

(3) Whether or not any certificated common carrier by motor vehicle, or by railroad, then serving the same territory, will furnish transportation services designed to meet the distinct need of the supporting contract shipper or shippers.

(c) If the department, after hearing, determines that the proposed operation, as requested in the application, meets all of the requirements of contract carriage, as defined in this chapter, and that the applicant is qualified in all respects to perform the proposed operation, the department shall approve the application and issue the requested authority, subject to terms, restrictions, and limitations as determined by the department.

(d) The department shall specify and name in the permit the name of the contracting person. The scope of the permit shall be attached at the time of issuance, along with any reasonable terms, conditions, and limitations consistent with the character of the holder as a

contract carrier.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-18

Agreements with other common carriers; routes and rates; discrimination

Sec. 18. (a) Notwithstanding IC 24-1-2-1 and in accordance with 49 U.S.C. 11343, common carriers may:

(1) establish by agreement through routes and joint rates, charges, and classifications with other common carriers and with common carriers by railroads, or by water, and every common carrier shall provide safe and adequate service, equipment, and facilities for the transportation of passengers or household goods in intrastate and interstate commerce; and

(2) establish, observe, and enforce just and reasonable rates, fares, charges, and classifications, and just and reasonable regulations and practices relating to rates, fares, charges, and classifications, and to the issuance, form, and substance of tickets, receipts, bills of lading, the carrying of baggage, and all other matters relating to or connected with the transportation of passengers or household goods in both intrastate and interstate commerce, and in case of joint rates and charges, to establish just, reasonable, and equitable division of joint rates and charges between the carriers participating in the joint rates and charges.

(b) It is unjust discrimination and unlawful for any common carrier by motor vehicle to make, give, or cause any undue or unreasonable preference or advantage to any particular person or locality in connection with the transportation of any persons or household goods, or to subject any particular person or locality to any undue or unreasonable prejudice, delay, or disadvantage in any respect.

(c) Every common carrier by motor vehicle that fails or refuses to receive and transport without unreasonable delay or discrimination the passengers or household goods tendered for transportation and deliver without unreasonable delay or discrimination those passengers or household goods at destination or to the transfer point of the route of any connecting common carrier by motor vehicle or railroad is guilty of unjust discrimination.

(d) It is unjust discrimination for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or household goods for a shorter than for a longer distance over the same line in the same direction, the shorter distance being included in the longer.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.14.

IC 8-2.1-22-19

Complaints; fixing of routes or rates

Sec. 19. (a) Any person or governmental entity may complain in

writing to the department that any rate, fare, charge, tariff, classification, rule or practice in effect, or proposed to be put in effect by any carrier or carriers is, or will be, in violation of this chapter. When such a complaint is made, the department shall, after due notice to the carrier or carriers complained of, hear the complaining parties.

(b) If the department is of the opinion that any individual or joint rate, fare, tariff, charge, or classification being made or demanded by any common carrier or carriers subject to this chapter or by any common carriers operating in conjunction with common carriers by railroads or by water is, or will be, unjust and unlawful and unreasonable or unjustly discriminatory, or unduly preferential or unduly prejudicial, it shall determine and prescribe lawful maximum or minimum, and maximum and minimum rates, fares, charges, tariffs, rules, and classifications thereafter to be observed or thereafter to be made effective. The department may, on its own initiative, without complaint, whenever deemed by the department to be necessary and desirable in the public interest, establish through routes, joint classifications, joint rates, fares, charges, tariffs, regulations, or practices for the transportation of passengers or household goods by common carriers by motor vehicle or the carrier by railroad or by water, and may fix the maximum or minimum or the maximum and minimum rates to be charged and the terms and conditions under which the fares and charges shall be applied and the routes to be operated.

(c) The department may, after hearing or on its own initiative, prescribe what the just, reasonable, and equitable division of rates, fares, and charges are to be received and collected by the several carriers and require adjustment to be made between those carriers in accordance therewith. In those cases the department may require adjustment or division between the carriers from the date of filing the complaint or the entry of the order or any other date subsequent thereto as the department finds is just and reasonable, and in case joint rates are fixed by the department, the order as to those divisions may be made effective as of the date on which the investigation was ordered.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.15.

IC 8-2.1-22-20

Filing of schedule stating new rate or charge; hearing; burden of proof; suspension

Sec. 20. (a) This section applies whenever there is filed with the department any schedule stating a new individual or joint rate, fare, charge, or classification for the transportation of passengers or household goods by a common carrier or carriers by motor vehicle, or by a carrier or carriers in conjunction with a common carrier or carriers by railroad or water in intrastate commerce, or any rule or practice affecting the rate, fare, or charge, or the value of the service.

(b) Upon complaint of any interested party or upon its own

initiative at once and if it so orders, without answer or other formal pleading by the interested carrier or carriers but upon reasonable notice, the department may enter upon a hearing concerning the lawfulness of a rate, fare, or charge, or a rule or practice. Pending the hearing and the decision on the hearing, the department, by filing with the schedule and delivering to the carrier or carriers affected by the hearing a statement in writing of its reasons for the suspension, may from time to time suspend the operation of the schedule and defer the use of the rate, fare, charge, or classification, or the rule, regulation, or practice, but not for a longer period than one hundred eighty (180) days beyond the time when it would otherwise go into effect. After hearing, whether completed before or after the rate, fare, charge, classification, rule or practice goes into effect, the department may make the order with reference thereto as would be proper in a proceeding instituted after it has become effective.

(c) If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, or charge, or classification, rule or practice, goes into effect at the end of the period.

(d) At any hearing involving a change in a rate, fare, charge, or classification or in a rule or practice, the burden of proof is on the carrier to show that the proposed rate, fare, charge, classification, rule or practice is just and reasonable.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.16.

IC 8-2.1-22-21

Reasonableness of rates and charges; considerations

Sec. 21. (a) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers or household goods by common carriers by motor vehicle, and related classifications, regulations, and practices, the department shall give due consideration, among other factors, to:

- (1) the inherent advantages of transportation by those carriers;
- (2) the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed;
- (3) the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of service; and
- (4) the need of revenues sufficient to enable such carriers under honest, economical, and efficient management to provide service.

(b) In determining the reasonableness of fares, rates, and charges of motor carriers of passengers or household goods, the department shall determine that the revenue is sufficient to cover the cost (including all operating expenses, depreciation accruals, rents, and taxes of every kind) of providing adequate transportation service and reasonable profit to the carrier. The relation of carrier expenses to carrier revenues may be considered the proper test of a reasonable profit.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.17.

IC 8-2.1-22-22

Actions for recovery of charges or overcharges; limitations

Sec. 22. (a) All civil actions by carriers for recovery of their charges or any part must be brought within two (2) years after the time the cause of action accrues.

(b) For recovery of overcharges, civil actions must be brought or complaints filed with the department against carriers subject to this chapter within two (2) years after the time the cause of action accrues, subject to subsection (c). However, if claim for the overcharge has been presented in writing to the carrier within the two (2) year period of limitation, the period shall be extended to include six (6) months after the time notice in writing is given by the carrier to the claimant of disallowance of the claim or any part specified in the notice.

(c) If on or before the expiration of the two (2) year period of limitation in subsection (a) or (b), a carrier subject to this chapter begins an action under subsection (a) for recovery of charges in respect of the same transportation service or without beginning action collects charges in respect of that service, the period of limitation shall be extended to include ninety (90) days after the time the action is begun or charges are collected by the carrier.

(d) As used in this section, "overcharges" means charges for the transportation services in excess of those applicable to the services under the tariffs lawfully on file with the department.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-23

Tariffs showing rates and services; filing and publication; compliance; change in fare or practice

Sec. 23. (a) Every common carrier by motor vehicle shall file with the department, and print and keep open to public inspection, tariffs showing all rates, fares, charges for transportation, and all service in connection therewith, of passengers or household goods in intrastate commerce between points:

- (1) on its own route;
- (2) on the route of any other common carrier; or
- (3) on the route of any common carrier by railroad;

when and as through routes and joint rates are established.

(b) The department may prescribe the form and manner in which the tariffs shall be published and may reject any tariff filed with it that is not in compliance with this section. When so rejected, the tariff is void, and its use shall be unlawful.

(c) A common carrier by motor vehicle shall not charge, demand, collect, or receive a greater or less or different compensation for transportation or for any service in connection therewith between points enumerated in the tariff than the rates, fares, and charges specified in the tariffs in effect at the time. A carrier shall not refund

or remit in any manner or by any device, directly or indirectly, personally or by agent, any portion of rates, fares, or charges so specified, and shall not extend to any person any facilities for transportation except as are specified in its tariffs.

(d) A change may not be made in any fare, charge, rule or practice for or in connection with the transportation of passengers or household goods except after thirty (30) days notice of the proposed change. The notice must plainly state the change proposed to be made and the effective date of the change. The department, upon complaint or upon the department's own motion, may suspend any tariff making any changes provided in this chapter within twenty (20) days after the filing of the tariff and not thereafter.

(e) The department may, for good cause shown, allow changes upon notice in less time than specified and permit tariffs to be filed and become effective in particular instances on shorter notice than stated in subsection (d).

(f) Whenever the carrier operating a local transportation system wholly within one (1) county files a tariff or schedule of increased rates or fares affecting its patrons in any municipality in which the carrier renders service, the carrier shall give notice by registered mail, on the date the tariff is filed with the department, to the executive and legislative body of the municipality and shall enclose a copy of the tariff filed with the department.

(g) A common carrier by motor vehicle shall not engage in the transportation of passengers or household goods unless the tariffs have been filed and published in accordance with this chapter.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.18.

IC 8-2.1-22-24

Contract carriers; reasonable minimum rates, fares, and charges; filing and publication; change; complaints

Sec. 24. (a) Every contract carrier by motor vehicle shall:

(1) establish and observe reasonable minimum rates, fares, and charges for any service rendered or to be rendered in the transportation of passengers or household goods or in connection with the transportation of passengers or household goods;

(2) establish and observe reasonable regulations and practices to be applied in connection with those reasonable minimum rates, fares, and charges; and

(3) file with the department, publish, and keep open for public inspection, in the form and manner prescribed by the department, schedules, or, by consent of contracting parties in lieu of schedules, copies of contracts, containing the minimum rates, fares, or charges of the carrier for the transportation of passengers or household goods in intrastate commerce, and any rule or practice affecting the rates, fares, or charges and the value of the service under the rates, fares, or charges.

(b) A contract carrier may not, unless otherwise provided by this

chapter, engage in the transportation of passengers or household goods in intrastate commerce unless the minimum charges for the transportation by the carrier have been published, filed, and posted in accordance with this chapter. A reduction may not be made in the charge either directly or by means of any change in any rule or practice affecting the charge or the value of service under the charge, except after thirty (30) days notice of the proposed change filed in the required form and manner the department may, for good cause shown, allow a change upon less notice. However, the notice must plainly state the change proposed to be made and the time when the change will take effect.

(c) A carrier shall not demand, charge, or collect less compensation for the transportation than the charges filed in accordance with this section, as affected by any rule or practice so filed, or as may be prescribed by the department. It is unlawful for the carrier, by the furnishing of special service, facilities, or privileges, or by any other device, to charge, accept, or receive less than the minimum charges so filed or prescribed. The carrier, or any class or group, of the carrier may apply to the department for relief from this subsection, and the department may, after hearing, grant relief to the extent, for the time, and in the manner as in its judgment is consistent with the public interest.

(d) Whenever, after hearing, upon complaint or upon its own initiative, the department finds that any minimum rate, fare, or charge of any contract carrier by motor vehicle, or any rule, regulation, or practice of the carrier affecting the minimum rate, fare, or charge, or the value of the service, for the transportation of passengers or household goods or in connection under the rate, fare or charge, is in violation of any provision of this chapter, the department may prescribe that transportation, just and reasonable minimum rates, fare, or charge, or a rule, regulation, or practice as judgment is necessary in the public interest and will not be in violation of any provision of this chapter. The minimum rate, fare, or charge, or rule or practice, prescribed by the department, may not give an advantage or preference to the carrier in competition with any common carrier by motor vehicle subject to this chapter, which the department may find to be undue or inconsistent with the public interest, and the department shall give due consideration to the cost of the services rendered by those carriers, and to the effect of the minimum rate, fare, or charge, or rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints must state fully the facts complained of and the reasons for the complaint and shall be made under oath.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.19.

IC 8-2.1-22-25

Contract carriers; new service or reduced charge; hearing; suspension

Sec. 25. (a) This section applies whenever there is filed with the

department by the contract carrier any schedule or contract stating a charge for a new service or a reduced charge directly, or by means of any rule or practice, for the transportation of passengers or household goods in intrastate commerce.

(b) Upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, the department may enter upon a hearing concerning the lawfulness of the charge, rule, or practice. Pending the hearing and the decision on the complaint, the department, by filing with the schedule and delivering to the carrier affected thereby a statement in writing of its reasons for the suspension, may from time to time suspend the operation of the schedule and defer the use of the charge, rule, regulation, or practice, but not for a longer period than one hundred eighty (180) days beyond the time when it would otherwise go into effect. After hearing, whether completed before or after the charge, or rule or practice goes into effect, the department may make the order with reference thereto as would be proper in a proceeding instituted after it had become effective.

(c) If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice goes into effect at the end of the period.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.20.

IC 8-2.1-22-26

Contract carriers; filing of contract copies; examination for conformity to published schedule

Sec. 26. (a) The department may require any contract motor carrier to file with it a true copy of any contract, agreement, or arrangement between the carrier and any person in relation to any traffic affected by this chapter. The department shall not, however, make public the contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions of the contract except as a part of the record in a formal proceeding where it considers that action consistent with the public interest.

(b) If it appears from an examination of the contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by this chapter, the department may make public such of the provisions of the contract as the department considers necessary to disclose the failure and the extent of the failure.

(c) This section does not apply to contracts filed instead of schedules.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-27

Brokerage license requirements

Sec. 27. (a) A person shall not for compensation sell or offer for

sale transportation subject to this chapter, make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for the transportation of passengers, or profess by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for the transportation of passengers, unless the person holds a broker's license issued by the department to engage in the transactions. A person may not engage in transportation subject to this chapter unless the person holds a certificate or a permit as provided in this chapter. In the execution of any contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for the transportation of passengers, a person may not employ any common or contract carrier who is not the lawful holder of an effective certificate or permit issued as provided in this chapter.

(b) This section does not apply to any carrier holding a certificate or a permit under this chapter or to any employee or agent of the motor carrier, so far as concerns transportation to be furnished wholly by the carrier or jointly with other motor carriers holding like certificates or permits, or with a common carrier by railroad, express, or water.

(c) A brokerage license shall be issued to any qualified applicant for a brokerage license, authorizing any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able to properly perform the service proposed and to conform to this chapter and the requirements, and rules of the department thereunder, and that the proposed service, to the extent to be authorized by the license, is or will be consistent with the public interest, otherwise the application shall be denied.

(d) The department shall prescribe reasonable rules for the protection of travelers by motor vehicle to be observed by any person holding a brokerage license, and no such license may be issued or remain in effect unless the person furnishes a bond or other security approved by the department, in a form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements, or arrangements for the transportation.

(e) The department and its special agents and examiners have the same authority as to accounts, reports, and records, including inspection and preservation of the accounts, reports, and records, of any person holding a brokerage license issued under this section that the department and the department's special agents and examiners have under this chapter with respect to motor carriers subject to this chapter.

(f) A person who violates this section commits a Class C infraction.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.21.

IC 8-2.1-22-28

Certificate requirement exemptions

Sec. 28. A person may not transport passengers for compensation

as a special and charter carrier until after obtaining a certificate from the department, unless on December 31, 1982, the person:

- (1) held a certificate for a special and charter carrier; or
- (2) was exempt from the requirement for a certificate for a special and charter carrier under IC 8-2-7-29.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-29

Operation of motor vehicle for hire; operating authority required

Sec. 29. A person may not operate any motor vehicle over the public highways for hire, unless the operations are specifically exempt under this chapter, without first having obtained appropriate operating authority from the department to do so, and having otherwise complied with all other applicable provisions of this chapter.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-30

Amendment, change, suspension, or revocation of certificate or permit

Sec. 30. (a) Any certificate or permit, upon application of the holder of the certificate or permit, in the discretion of the department, may be amended or revoked in whole or in part, or may, upon complaint or on the department's own initiative, after notice and hearing, be suspended, changed or revoked in whole or in part for willful failure to comply with any provision of this chapter, or with any lawful order or rule prescribed by the department, or with any term, condition, or limitation of the certificate or permit.

(b) In any cause instituted by the department on its own initiative, the burden is on the carrier to show cause why the certificate or permit should not be suspended, changed, or revoked in whole or in part and the department, by its authorized representative, may introduce evidence in the hearing.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-31

Broker's license; duration; fee; suspension or revocation

Sec. 31. The department may suspend or revoke the license of any broker for any violation of this chapter or any rule issued thereunder by the department. The fee for a broker's license is one hundred dollars (\$100), which shall be paid at the time the application is made and shall be disposed of in the manner as other fees which are collected by the department. Any license so issued to any broker remains valid until surrendered or revoked.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-32

Application of chapter

Sec. 32. This chapter applies to persons engaged in the transportation of passengers or household goods over the public

highways regardless of whether that transportation is interstate or intrastate, except to the extent this chapter contravenes the Constitution or the laws of the United States.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.22.

IC 8-2.1-22-33

Registration of vehicles

Sec. 33. A person who is engaged in the intrastate transportation of passengers or household goods must register under the single state registration system in accordance with rules adopted by the department under IC 4-22-2 before operating a motor vehicle upon a public highway located in Indiana.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.23.

IC 8-2.1-22-34

Nonresident carriers; service of process

Sec. 34. (a) Every nonresident common carrier and contract carrier regulated under this chapter shall file, and keep on file, with the department a designation in writing of the name and postoffice address of a citizen and resident of Indiana upon whom service of notices or orders may be made, and upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought against such the carrier.

(b) Service of notices or orders in proceedings under this chapter may be made upon the carrier by personal service upon it, or upon the citizen so designated by it, or by registered mail addressed to it at the last address shown by the records of the department.

(c) In default of that designation, in case of vacancy, or if for any other reason personal service cannot be had upon the carrier, service of the notice or order may be made by serving two (2) copies upon the department. When service is had upon the department as provided in this subsection, the department shall promptly mail one (1) copy of the notice or order served upon him to the carrier by registered mail at the last address shown by the records of the department, and the date of mailing shall be considered as the time when notice is served.

(d) When notice is given by mail as provided in this section, the date of mailing shall be considered the time when notice is served.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-35

Highway designation to prevent congestion; enforcement and notice of orders

Sec. 35. In addition to the other powers conferred in this chapter upon the department, it may designate from time to time the public highways, as routes, over which carriers subject to this chapter may or may not operate, and may designate the time that the vehicles may

or may not be operated public highways, so as to prevent congestion that may affect the safety of persons or property upon the public highways. The department may also provide for the enforcement of its orders and the notice of the orders, if any, that shall be given to such carriers.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-36

Temporary authority or emergency temporary authority for one trip or occasional trips

Sec. 36. In addition to all other powers granted to the department under this chapter, the department may issue, in accordance with its rules, "temporary authority" or "emergency temporary authority" to persons to whom permanent permits or certificates have been issued, or to persons who have filed new applications for permanent permits or certificates, and also to persons when there appears a necessity to make one (1) trip or occasional trips.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.24.

IC 8-2.1-22-37

War or national emergency; suspension of certificate or permit

Sec. 37. In addition to all other powers granted to the department under this chapter, the department may suspend, in whole or in part, any certificate or permit, upon the application of the holder thereof, without notice, for the duration of a declared war or a declared national emergency and for a period of six (6) months thereafter, or for any lesser period of time.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-38

Rebates, consideration, or discrimination in violation of chapter; assisting or permitting transportation at less than approved rate; fraudulent activity; operator of vehicle for hire not to operate until owner or lessor secures required authority

Sec. 38. (a) A person, whether carrier, shipper, or officer, employee, agent, or representative thereof, shall not knowingly offer, grant, give, solicit, accept, or receive any rebate, consideration, or discrimination in violation of this chapter. A person shall not, by means of any false or fictitious bill, bill of lading, receipt, voucher, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, knowingly assist or permit any person to obtain transportation of passengers or household goods subject to this chapter for less than the rate, fare, or charge approved by the department. A person shall not knowingly, by any such means or otherwise, fraudulently seek to evade or defeat regulations as in this chapter provided for motor carriers.

(b) An operator of a motor vehicle for hire, which vehicle belongs to or is leased by an intrastate or interstate common or contract carrier for hire, who transports persons or household goods over the

highways without required authority issued by the department, shall not operate the motor vehicle until the owner or lessor has secured the required authority from the department, but the offender shall be given an opportunity to secure the services of a certificated carrier, having the required authority, to transport the lading on the offender's motor vehicle to its intended destination.

(c) A person who violates this section commits a Class C infraction.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.25.

IC 8-2.1-22-39

Expiration of vehicle registrations

Sec. 39. All registrations of motor vehicles required in this chapter expire on December 31 of each year, and each motor vehicle continued in service shall be registered for each such year.

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.26.

IC 8-2.1-22-40

Application forms for certificates and permits to operate motor vehicles; filing and publication fees

Sec. 40. (a) All applications under this chapter for a common carrier certificate or a contract carrier permit to operate motor vehicles, intrastate or interstate, shall be made on forms prescribed by the department.

(b) All applications for a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate on the public highways, which applications require a public hearing thereon, shall be accompanied by a filing fee of fifty dollars (\$50). Each petition for reinstatement of a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate, on the highways of this state, shall be accompanied by a filing fee of fifty dollars (\$50).

(c) All applications for a temporary certificate of public convenience and necessity, or for a contract carrier permit to operate motor vehicles on the highways of this state in intrastate commerce, shall be accompanied by a filing fee of fifty dollars (\$50).

(d) All applications for a change in the name of the holder of a common carrier certificate of public convenience and necessity, of a common carrier certificate of authority or certificate of registration, or of a contract carrier permit, which change of name does not involve a change in the ownership of the operating rights of the certificate or permit holder, shall be made by verified petition to the department, and the applications shall be accompanied by a filing fee of twenty-five dollars (\$25).

(e) In addition to the filing fees prescribed in subsection (b), all applications for a common carrier certificate of public convenience and necessity, or for a contract carrier permit, to operate motor

vehicles intrastate, on the public highways, which applications require a public hearing thereon, shall be accompanied by a publication fee of twenty dollars (\$20). Whenever any republication is required through no fault of the department, the party responsible therefor shall be required to pay an additional publication fee of twenty dollars (\$20) for each republication.

(f) Each petition for rehearing of an application for a common carrier certificate of public convenience and necessity, or for a contract carrier permit, to operate motor vehicles intrastate, on the public highways, shall be accompanied by a filing fee of twenty-five dollars (\$25).

(g) Each application or petition for alteration or change of a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate, on the public highways, shall be accompanied by a filing fee of fifty dollars (\$50).

(h) Each application requesting permission to deviate from the department's tariff publishing regulations shall be accompanied by a filing fee of fifteen dollars (\$15).

As added by P.L.99-1989, SEC.13. Amended by P.L.110-1995, SEC.27.

IC 8-2.1-22-41

Repealed

(Repealed by P.L.110-1995, SEC.35.)

IC 8-2.1-22-42

Intrastate carriers; identification to be displayed on each vehicle

Sec. 42. (a) An intrastate motor carrier regulated under this chapter shall display identification, in the method prescribed by rules of the department, on each motor vehicle it operates.

(b) A person who violates this section commits a Class C infraction.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-43

Repealed

(Repealed by P.L.110-1995, SEC.35.)

IC 8-2.1-22-44

Deposit of fees into motor carrier regulation fund

Sec. 44. All fees prescribed in this chapter shall be paid to the treasurer of state through the department and deposited in the motor carrier regulation fund.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-45

Augmenting, interchanging, or leasing equipment

Sec. 45. (a) A motor carrier regulated under this chapter that augments equipment, interchanges equipment, or leases equipment,

with or without drivers, shall comply with the rules of the department governing lease and interchange of vehicles.

(b) A person who violates this section commits a Class C infraction.

As added by P.L.99-1989, SEC.13.

IC 8-2.1-22-46

Proof of financial responsibility; surety bond or insurance; violations and penalties

Sec. 46. (a) Notwithstanding any other provision of this chapter, common and contract carriers and other carriers engaged in the transportation of passengers or household goods for hire, over regular or irregular routes, whether operating pursuant to a certificate or permit or as an exempt carrier under section 2.1(5) of this chapter, shall file with the department proof of financial responsibility in the form of surety bonds or policies of insurance or shall qualify as a self-insured. The minimum level of financial responsibility required shall be the minimum level established under 49 U.S.C. 10927(a)(1).

(b) A person who violates this section commits a Class C infraction. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment for violating this section.

(c) In addition to any other penalty imposed upon a person for a conviction of a Class A misdemeanor under subsection (b), the law enforcement agency may impound the vehicles owned by the person. Unless the vehicle is impounded or forfeited under a law other than this section, the vehicle shall be released to the carrier when the carrier complies with this section.

As added by P.L.99-1989, SEC.13. Amended by P.L.1-1991, SEC.79; P.L.79-1991, SEC.2; P.L.110-1995, SEC.28.